UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14-cv-00417-RJC

In re: **JEMSEK CLINIC, P.A.** **Debtor.**	
In re: **JOSEPH G. JEMSEK, M.D.** **Debtor.**	
BLUE CROSS AND BLUE SHIELD OF NORTH CAROLINA, **Plaintiff, Counterclaim Defendant, and Counterclaim Plaintiff,** **v.** **JEMSEK CLINIC, P.A., and JOSEPH G. JEMSEK, M.D., an individual** **Defendants, Counterclaim Plaintiffs, and Counterclaim Defendants.**	**ORDER**

THIS MATTER is before the Court on the Judgment and Mandate of the United States Court of Appeals for the Fourth Circuit, (Doc. Nos. 43, 45), which vacated and remanded this Court's December 8, 2015 Judgment, (Doc. No. 23), and remanded the case to this Court. Additionally, Plaintiff has filed an unopposed Motion for Release of Bond Obligation and supporting memorandum, (Doc. Nos. 46, 47).

Pursuant to the Fourth Circuit's decision and for the reasons stated therein, Plaintiff's Motion to Vacate the Bankruptcy Court's Sanctions and Fees Opinion is granted, the Bankruptcy Court's Recommending Order is dismissed as moot, and Defendants' Motion for Final Judgment is denied as moot. Furthermore, Plaintiff's unopposed Motion for Release of Bond Obligation is granted for good cause shown and for the reasons stated in Plaintiff's supporting memorandum. This matter is remanded to the Bankruptcy Court for proceedings consistent with this Order and the Fourth Circuit's decision.

IT IS, THEREFORE, ORDERED that:

1. Plaintiff's Motion to Vacate the Bankruptcy Court's Sanctions and Fees Opinion, (Doc. No. 19), is **GRANTED**. The Bankruptcy Court's Sanction and Fees Orders, (Bankr. Doc. Nos. 169, 205), are **VACATED** and **REMANDED** and Defendants' Motion for Sanctions, (Bankr. Doc. No. 144), is to be reevaluated consistent with the Fourth Circuit's decision;
2. The Bankruptcy Court's Recommending Order, (Doc. No. 1), is **DISMISSED as moot**;
3. Defendants' Motion for Final Judgment, (Bankr. Doc. No. 387), is **DENIED as moot**;
4. Plaintiff's unopposed Motion for Release of Bond Obligation, (Doc. No. 46), is **GRANTED**. The Supersedeas Bond (Bond No. 800000100), as amended by various riders, (Doc. Nos. 30-2, 36-1, and 40-1), is hereby fully and unconditionally discharged and released; and

5. This matter is **REMANDED** for proceedings consistent with this Order and the Fourth Circuit’s decision.

Signed: May 18, 2017

Robert J. Conrad, Jr.
United States District Judge